

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

SEAN DONAHUE,
Plaintiff

v.

ED OLEXA,
Defendant

CIVIL ACTION NO. 3:13-CV-1071

(Judge Nealon)
(Magistrate Judge Carlson)

FILED
SCRANTON

MAY 13 2013

ORDER

PER M. E. C.
DEPUTY CLERK

NOW, THIS 13th DAY OF MAY, 2013, for the reasons set forth in the Memorandum
issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 3), is **ADOPTED in part**.
2. Pursuant to the 30-Day Administrative Order dated April 25, 2013, Plaintiff **SHALL** either: "(1) tender[] to the 'Clerk, U.S. District Court' a statutory filing fee in the amount of \$350.00; or (2) file[] a properly completed and signed application to proceed in forma pauperis and an authorization form" **no later than May 28, 2013**. See (Doc. 4).
 - A. If Plaintiff fails to timely comply with the Administrative Order, (Doc. 4), his complaint will be dismissed.
3. If Plaintiff complies with the Administrative Order, (Doc. 4), he is **DIRECTED** to file an amended complaint¹ **on or before June 3, 2013**.
 - A. If Plaintiff fails to timely file an amended complaint, his complaint will be dismissed.
4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.


United States District Judge

¹The "amended complaint must be complete in all respects." Young v. Keohane, 809 F. Supp. 1185, 1198 (M.D. Pa. 1992) (Conaboy, J.). It must be a new pleading which stands by itself without reference to the original complaint. Id. The amended complaint "may not contain conclusory allegations[; r]ather, it must establish the existence of specific actions by the defendants which have resulted in constitutional deprivations." Id. (citing Rizzo v. Goode, 423 U.S. 362 (1976)). "The amended complaint must also be 'simple, concise, and direct' as required by the Federal Rules of Civil Procedure." Id. (citing FED. R. CIV. P. 8(e)(1)).